Delegation of Authority Policy

Section 1 - Introduction

(1) The Functions of the Vice-Chancellor Rule allows the Vice-Chancellor to delegate to the Senior Executive.

(2) By the Delegations of Authority Rule the University Council delegates to the Vice-Chancellor all of the functions of the University other than the matters reserved.

(3) By this Policy and its schedules, the Vice-Chancellor delegates those operational matters specified to the Senior Executive.

Section 2 - Policy Scope

(4) Approved delegations apply to all University activities across all campuses and locations, including those of all non-incorporated bodies such as centres, associations and institutes.

(5) Any action that commits the University to a binding agreement is within the scope of this Policy.

(6) This Policy does not apply to the controlled entities of the University whose delegation authorities are dictated by their constitutions.

(7) Persons, other than those noted in the Act who are not employees of the University (e.g. visiting or adjunct appointments), are not able to exercise delegations unless they have been specifically authorised under rules made as per Section 42 of the By-law.

Section 3 - Policy Intent

(8) The intent of this Policy is to provide a framework in which delegations occur and highlight responsibilities of delegates. The delegations are intended to:

a. be clear and easy to understand
b. establish appropriate responsibility and accountability for various administrative functions
c. devolve decision-making to appropriate levels

Section 4 - Policy Principles

Conflict of Interest

(9) A delegate must not exercise a delegation if it involves a contravention of the Conflict of Interest Policy, and where an exercise of delegation would benefit a related party or a key internal or external stakeholder, a competitive selection process in accordance with University Policy must be undertaken in order to exercise a delegation.

(10) Delegates must not approve the incurring or the reimbursement of their own expenditure; even if it falls within

their responsibility levels. Such expenditure must be approved by another appropriately delegated officer.

Establishment of Delegations

(11) The Vice-Chancellor makes the delegations described in the schedules to this Policy.

(12) Where a delegation is to a position, the delegated authority is to be exercised by the incumbent of the position at that time. Where a delegation is to a committee, the delegation refers to the committee acting as a whole not to individual members of that committee.

(13) If a position or committee is abolished or re-named, the delegation should be taken to be a reference to the principal successor to the functions of that position or committee.

(14) A delegation is made to the position at the lowest point in the organisational structure where the decision can be made, and therefore every higher position in the same line of management accountability can also exercise that authority.

(15) No delegate is authorised to sub-delegate any or all of the delegate's delegated functions to another person or group of persons.

Exercise of Delegation

(16) A delegation is exercised at the point of a decision and may be evidenced by any of the following (either alone or in combination):

a. signature;
b. incurring expenditure;
c. instructing others to give effect to a decision (including a verbal instruction);
d. documenting the decision.

(17) A delegation can only be exercised within the scope of the delegate's responsibilities, regardless of financial limits imposed.

(18) Any delegation to incur expenditure must be exercised within the limits of the relevant budget or other approved source of funds, and only for authorised cost collectors.

(19) Authorities delegated to committees are detailed in the respective committees' terms of reference and/or in policies specified alongside the delegation.

(20) Where delegations are made in accordance with a specific policy or with regard to particular legislation, or when the exercise of a delegation requires completing a particular form, the relevant documents are listed in each schedule or in Appendix A of the schedules.

(21) Where authority is delegated to approve transactions, that authority extends to the negotiation of all terms and execution of all documents necessary to give effect to those transactions. Subject to any financial limits, this authority extends to varying or amending the terms of those documents.

(22) Delegates must exercise due diligence and ensure that they obtain appropriate and timely risk, legal and other advice from experts within the University before binding the University. Details of the process and approvals requirements are detailed in the 'Due Diligence Protocol for the execution of Agreements'. These requirements are mandatory. Where delegates decide to exercise authority against the recommendation of this expert advice, they must document their reason(s) for doing so.

(23) Under this Policy delegates can appoint an authorised officer to perform administrative tasks and systems processes required to give effect to the exercise of a delegation. Authorised officers are not permitted to make any significant, independent decisions nor approve the expenditure of funds above the level designated for the delegate. Refer to the 'Executing Delegated Authority Guideline' for details on how to appoint Authorised Officers.

(24) All delegations must be read subject to, and exercised in accordance with, the relevant:

a. Legislation: In particular, the University of Newcastle Act 1989 No 68 and delegated legislation (the University of Newcastle By-law 2005 and University Rules) and other relevant legislation;
b. Industrial awards and agreements;
c. University rules, policies, codes of conduct, duly established procedures or guidelines; and
d. Resolutions of the University Council.

Reporting Requirements

(25) The exercise of certain delegations must be reported to the next meeting of the University Council:

a. acting on behalf of Council on urgent matters between Council meetings;
b. any expenditure greater than $1,000,000 via the Finance Committee;
c. any other matter as specified in resolutions of the Council from time to time or noted in the relevant schedule.

Status and Details

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Responsible Executive	Hamish Lithgow University Secretary
Enquiries Contact	Hamish Lithgow University Secretary Legal and Governance Services

Glossary Terms and Definitions

"Council" - The governing authority of the University established under section 8A of the University of Newcastle Act 1989.

"Risk" - Effect of uncertainty on objectives. Note: An effect is a deviation from the expected, whether it is positive and/or negative.

"Award" - When referring to a University qualification, this term means an academic qualification approved by Academic Senate that is conferred when a student has met the relevant program requirements. For all other uses of this term, the generic definition applies.

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